

Best Available Copy

DECLARATION AND POWER OF ATTORNEY FOR REISSUE PATENT APPLICATION

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names,

We believe we are original, first and the only joint inventors of the subject matter which is claimed and for which a reissue patent is sought on the invention entitled:

FLOOR JOIST RETAINER AND METHOD FOR USING THE SAME

the specification of which
(check one)

- is attached hereto.
 was filed on September 15, 2000 as Application Serial No. 09/662,718.
and was amended on March 11, 2002 and October 11, 2002.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

We believe original U.S. Patent No. 5,806,274 to be wholly or partially inoperative or invalid because it claims more or less than the patentee had the right to claim in the patent. We believe that independent claim 1 from original U.S. Patent No. 5,806,274 does not contain a limitation necessary to distinguish the prior art. Specifically, claim 1 should include the following new element: an intermediate structural plate interconnecting the sides and back of the floor joist retainer body, the intermediate structural plate being attached to the sides and back when the concrete is poured into the forms and removable after the concrete is poured. Claim 5 should recite an "open front" not an "open front side", and it should recite "a back", not "a back side".

All errors being corrected in the reissue application up to the time of filing this declaration arose without any deceptive intention.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the reissue application or any reissue patent issued thereon.

POWER OF ATTORNEY: As named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (listed name and registration number)

J. Pierre Kolisch, Reg. No. 15,802; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; David P. Cooper, Reg. No. 33,372; Pierre C. Van Rysselberghe, Reg. No. 33,557; Walter W. Karnstein, Reg. No. 35,565; Charles H. DeVoe, Reg. No. 37,305; David S. D'Ascenzo, Reg. No. 39,952; Owen W. Dukelow, Reg. No. 41,002; James R. Abney, Reg. No. 42,253; Mark D. Alleman, Reg. No. 42,257; Michael M. Hall, Reg. No. 43,653; Christopher S. Tuttle,

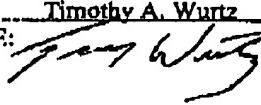
Page 1 of 2 • DECLARATION AND POWER OF ATTORNEY FOR REISSUE PATENT APPLICATION
Serial No. 09/662,718

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Reg. No. 41,357; Barbara A. McCoy, Reg. No. 46,077; David R. Hall, Reg. No. 51,172; Ellen M. Gonzales, Reg. No. 44,128; Jason C. Creasman, Reg. No. 51,587; Stanley M. Hollenberg, Reg. No. 47,658; and Anton E. Skaugset, Reg. No. 38,617.

SEND CORRESPONDENCE TO:	DIRECT TELEPHONE CALLS TO (name and telephone number)
Kulisch Hartwell, P.C. 200 Pacific Building 520 S.W. Yamhill Street Portland, Oregon 97204	Christopher S. Tuttle (503) 224-6655

Full name of first inventor:	Timothy A. Wurtz
INVENTOR'S SIGNATURE:	
	DATE: 6-8-04

Residence: 2722 West Sheryl, Meridian, Idaho 83642
 Citizenship: United States of America
 Post Office Address: 2722 West Sheryl, Meridian, Idaho 83642

Full name of second inventor:	Ronald D. Wurtz
INVENTOR'S SIGNATURE:	
	DATE: 6-8-04

Residence: 2571 West Willard, Meridian, Idaho 83642
 Citizenship: United States of America
 Post Office Address: 2571 West Willard, Meridian, Idaho 83642

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Form PTO-1595 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005)		RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
Tab settings → → → ↓ ↓ ↓ ↓ ↓ ↓					
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): JPL Enterprises, Inc.		2. Name and address of receiving party(ies) Name: <u>JPL, LLC</u> Internal Address: _____ _____ _____		Street Address: <u>9436-A W. Fairview Avenue</u> _____ City: <u>Boise</u> State: <u>ID</u> Zip: <u>83704</u>	
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		Execution Date: <u>March 31, 2000</u>			
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) <u>09/662,718</u>		B. Patent No.(s) _____		Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>David P. Cooper</u> Internal Address: <u>Kolisch Hartwell, P.C.</u> Street Address: <u>520 S.W. Yamhill Street, Suite 200</u> City: <u>Portland</u> State: <u>OR</u> Zip: <u>97204</u>		6. Total number of applications and patents involved: <u>1</u>		7. Total fee (37 CFR 3.41).....\$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account	
8. Deposit account number: <u>11-1540</u>					
DO NOT USE THIS SPACE					
9. Signature. <u>David P. Cooper</u> Name of Person Signing					
Signature _____ Date <u>May 5, 2004</u>					
Total number of pages including cover sheet, attachments, and documents: <u>2</u>					
Mail documents to be recorded with required cover sheet information to: Commissioner of Patents & Trademarks, Box Assignments Washington, D.C. 20231					

ASSIGNMENT

This Assignment is made as of March 31, 2000, by JPL ENTERPRISES, INC., an Idaho corporation, whose address is P.O. Box 240, Cascade, Idaho (the "Seller"), to JPL, LLC, an Idaho limited liability company, whose address is 9436-A W. Fairview Avenue, Boise, Idaho 83704 (the "Buyer").

WHEREAS, pursuant to that certain Purchase Agreement dated as of October 22, 1999, and amended as of December 23, 1999 (the "Agreement"), among Seller, Gary L. Hunemiller, Lorraine Hunemiller, Ronald D. Wurtz, Sherry Lynn Wurtz, and Buyer's assignor, Molding Tech, Inc., an Idaho corporation, Seller has agreed to assign to Buyer Seller's U.S. Patent for the joist pocket liner.

NOW, THEREFORE, for the consideration specified in the Agreement, which Buyer has caused to be paid to Seller, the receipt and sufficiency of which is hereby expressly acknowledged, and upon the terms and conditions set forth in the Agreement:

1. Seller hereby grants, bargains, sells, transfers, assigns, conveys, and delivers to Buyer and Buyer's successors and assigns forever, all its right, title and interest in and to U.S. Patent No. 5,806,274, together with all art related thereto, all trade secrets embodied therein, any and all trademarks, trade names and trade dress resulting from the commercial use or intended commercial use of the foregoing, and any and all other related intellectual property and the right to sue for any and all past infringements thereof (collectively the "Intellectual Property").
2. Seller represents and warrants to Buyer that Seller has good and indefeasible title to the Intellectual Property, and that the Intellectual Property is free and clear of any liens, claims and encumbrances.

IN WITNESS WHEREOF, Seller has caused this Assignment to be executed and delivered as of the date set forth above.

JPL ENTERPRISES, INC.

By Gary L. Hunemiller
Gary L. Hunemiller, President

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ASSIGNMENT - 1
032900 1420

BUSI:MT12900158.1



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 18, 1998

PTAS

FRANK J. DYKAS
 802 WEST BANNOCK, #1100
 BOISE, ID 83702



100762104A

UNITED STATES PATENT AND TRADEMARK OFFICE
 NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/26/1998

REEL/FRAME: 9293/0475
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WURTZ, TIMOTHY A.

DOC DATE: 05/14/1998

ASSIGNOR:

WURTZ, RONALD D.

DOC DATE: 05/14/1998

ASSIGNEE:

JPL ENTERPRISES, INC.
 P.O. BOX 967
 MERIDIAN, IDAHO 83680

SERIAL NUMBER: 08857109
 PATENT NUMBER: 5806274

FILING DATE: 05/15/1997
 ISSUE DATE: 09/15/1998

SHIRLIE SIMON, EXAMINER
 ASSIGNMENT DIVISION
 OFFICE OF PUBLIC RECORDS

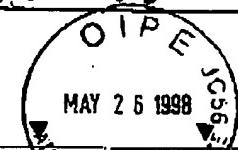
[Signature]
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 SEP 24 1998

MRP 5-26-98

FORM PTO-1595 (Modified)
Rev. B-93
OMB No. 0651-0011 (exp. 4/94)
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MAY 26 1998



07-13-1998



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Doc: WURT101

581-4/8

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

TIMOTHY A. WURTZ
RONALD D. WURTZAdditional names(s) of conveying party(ies) Yes No

3. Nature of conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____ | |

Execution Date: May 14, 1998

2. Name and address of receiving party(ies):

Name: JPL ENTERPRISES, INC.

Internal Address: PO BOX 967

Street Address: _____

City: MERIDIAN State: ID ZIP: 83680

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

08/857,109

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: FRANK J. DYKAS

Internal Address: PO BOX 877

BOISE, IDAHO 83701-0877

Street Address: 802 WEST BANNOCK, #1100

City: BOISE State: ID ZIP: 83702

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41): \$ 40.00

 Enclosed - Any excess or insufficiency should be credited or debited to deposit account Authorized to be charged to deposit account

8. Deposit account number: _____

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

FRANK J. DYKAS

Name of Person Signing

Signature

5/22/98

Date

3

<p>Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)</p> <p>MAY 26 1998</p>	<p>Docket No. WURT101</p>
--	---------------------------------------

This is an Assignment of the following rights, title and interest: (check all that apply):

United States of America rights, title and interest in the invention

- Foreign rights, title and interest in the invention
 - United States Patent Application Serial No. 08/857,109

Date of Execution: _____ *Date of Filing:* 05/15/97

- United States Provisional Patent Application Serial No.* _____

United States Patent No(s). _____

International (PCT) Patent Application Serial No. _____

Other (specify) _____

Title of the Invention

FLOOR JOIST RETAINER AND METHOD FOR USING THE SAME

Inventors (assignors)

Assignee

<i>Name</i>	<i>Address</i>
JPL ENTERPRISES, INC.	PO BOX 967 MERIDIAN, IDAHO 83680

**Assignment of Rights, Title and Interest in Invention
P E (Multiple inventors; single assignee)**

Docket No.
WUR T101

MAY 20 1936
Whereas, we, the above-identified Inventors, have invented certain new and useful improvements in the Invention identified above and described in the above-identified patent application(s) and/or patent(s) (hereinafter referred to as "Invention")
MADE

And, whereas we desire to assign our above-identified rights, title and interest in the Invention to the above-identified Assignee;

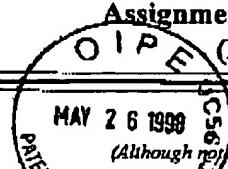
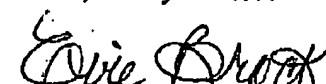
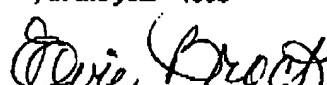
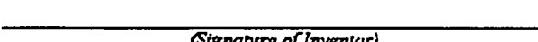
Now, this indenture witnesseth, that for good and valuable consideration, the receipt whereof is hereby acknowledged;

We hereby assign, sell and transfer our above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted or have granted for said Invention, and in and to any and all reissues and reexaminations thereof, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any United States Letters Patent which may issue for said Invention to said Assignee, as assignee of the whole right, title and interest thereto;

And we further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.

Inventors' Signatures (if Notarization is desired, do not sign here and proceed to next page)

Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)		Docket No. WURT101
 MAY 26 1998 <small>(Although notarization is not necessary, it will be considered prima facie evidence of execution pursuant to 35 U.S.C. 26.)</small>		
Executed this 14th day of MAY , in the year 1998 at BOISE, IDAHO		
 <small>(Signature of Inventor)</small>		
State of IDAHO		
County of ADA		
<i>Before me personally appeared XXXXXXXXXXXXXX Ronald D. Wurtz who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this 14th day of MAY , in the year 1998</i>		
 <small>(Notary Public) EXP. 8-5-2003</small>		
Executed this 14th day of MAY , in the year 1998 at BOISE, IDAHO		
 <small>(Signature of Inventor)</small>		
State of IDAHO		
County of ADA		
<i>Before me personally appeared XXXXXXXXXXXXXX Timothy A. Wurtz who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this 14th day of MAY , in the year 1998</i>		
 <small>(Notary Public) EXP. 8-5-2003</small>		
Executed this day of , in the year at		
 <small>(Signature of Inventor)</small>		
State of		
County of		
<i>Before me personally appeared who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this day of , in the year</i>		
 <small>(Notary Public)</small>		